U.S. Patent Appln. No. 09/676,545   IBM Docket No. BOC9-1999-0082
Amendment Dated Aug. 12, 2005
Reply to Office Action of May 12, 2005
Docket No. 6169-140

REMARKS/ARGUMENTS

These remarks are submitted in response to the office action dated May 12, 2005
(Office Action). As this response is timely filed within the 3-month shortened statutory
period, no fee is believed due.

Claims 1-9 and 17-18 are pending. In paragraph 3 of the Office Action, claims 1
and 17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No.
6,496,981 to Wistendahl, *et al.* (hereinafter Wistendahl). In paragraphs 5 and 6, claims 2-
9 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wistendahl
in view of U.S. Patent No. 5,442,390 to Hooper, *et al.* (hereinafter Hooper).

I.   APPLICANTS' INVENTION

It may be useful to reiterate certain features of Applicant's invention prior to
addressing the cited references. Applicants' invention encompasses a user-controlled,
multi-device and media-on-demand system. The invention allows system users, for
example, to receive delivered media across a network in a client device through a
communications link to a media-on-demand server (MODS) regardless of the properties
of the client device and the characteristics of the communications link. Specifically, the
MODS can deliver particular media to the client device in a format consonant with the
properties of the client device. The properties can include a device type, acceptable
media format, and communications link's speed and reliability. With Applicants'
invention, the user can interrupt the delivery of the delivered media to a client device
session in a client device and, subsequently, seamlessly resume the delivery of the
delivered media. With resumed delivery, the subsequent session can be delivered to a
different client device. Moreover, the delivery can resume regardless of the timing of the
resumption of the delivery or the properties of the client device through which the user
receives the resumed delivery.

{WP251816;1}   10

U.S. Patent Appln. No. 09/676,545   IBM Docket No. BOC9-1999-0082
Amendment Dated Aug. 12, 2005
Reply to Office Action of May 12, 2005
Docket No. 6169-140

Specifically, the user can resume the delivery of a previously interrupted reception of delivered media through a particular client device and a corresponding communications link, each of which may have properties which differ from the client device and corresponding communications link of the interrupted delivery. Upon resumption of the delivery, the properties of the new client device can be determined and the format of the delivered media dynamically changed to accommodate the new client device. Moreover, the delivery can resume at a position in the delivered media corresponding to the position in the delivered media which had been most recently delivered to the client device prior to the interruption.

With Applicants' invention, a user could, for example, begin viewing certain content on a home device, such as an interactive TV, and later resume viewing the same content on a cell phone display while waiting to catch a flight at the airport. The media content delivered could be formatted differently for the two devices – the home device and the user's cell phone – but, nonetheless, the user could resume viewing from the same point in a presentation of the content where he had left off before leaving for the airport.

II.   **Claims 1 Through 9, 17 and 18 Define Over Wistendahl**

As already noted, independent Claims 1 and 17, were rejected under 35 U.S.C. § 102(e) as being anticipated by Wistendahl.

Claim 1 is directed to a method for providing configurable access to media in a media-on-demand system. The method includes delivering the media to a first client device through a first communications link, the first client device being associated with a first user. The method further includes recording a bookmark specifying a position in the media, and delivering the media to a second client device through a second communications link. According to the method, the second client device is associated with the first user, and delivery of the media to this second client device begins at the position specified by the recorded bookmark.

{WP251816;1}   11

Wistendahl is directed to a system that converts existing media content so that it can be used interactively. Wistendahl also permits development of interactive media programs from existing media content using automated tools. (Col. 2, lines 35-46; Abstract) One stated objective of Wistendahl is to avoid the need for embedded linking codes or "anchors" that are conventionally supplied manually and that are required with conventional hyperlinking tools. (Col. 1, lines 41-44 and Col. 2, lines 1-3.)

Wistendhal, accordingly, is exclusively focused on making non-interactive media interactive, in particular, by converting content into digital data representing a series of display frames $F_i, F_{i+1}, ...,$ in a time sequence t for presentment via a display screen. (See, e.g., Col. 5, lines 60-66.) Although each display frame is stored at a unique address, and even though Wistendhal speaks to providing a "bookmark" or " 'frame storage' function," Wistendhal speaks only to marking a frame "for later playback." As specifically demonstrated in the portion of the reference cited in the Office Action, Wistendahl only addresses "bookmarking" for later playback of content on the same device:

"When a user clicks or points at a hot spot in streaming media content, it may be desirable to provide a 'bookmark' . . . . For systems in which the media content is supplied locally from a disk or other multimedia player, a bookmark function can be implemented in accordance with known techniques for storing the address of the frame and the position of the hot spot pointed to by the user, for later playback and interactive use in accordance with the IDM program." (Col. 17, lines, 29-38.)

The portions of Wistendahl quoted in the Office Action address not separate deliveries to separate devices, but rather separate embodiments of marking media for use in one device. In one portion, Wistendahl's marking is described in the context of DVD-stored media content. (See Col. 16, line 42 Col. 17, line 29.) In the other, Wistendahl's

marking is described in the context of streaming network-delivered media content. (See Col. 17, lines 29-42.) But this does not explicitly or inherently teach Applicants' invention. Wistendahl leaves wholly unaddressed the matter of delivering content to one device, interrupting the delivery, and then resuming delivery in another device starting from the position in the media identified by the recorded bookmark in the first device.

Accordingly, Wistendahl does not remotely teach that, upon delivery to the second device, a user is able to seamlessly continue receiving content from the point where deliver to the first device was interrupted. In particular, Wistendahl does not address delivering media to a first device through a first communications link and recording a bookmark before delivering the media to a second device through a second communications channel, where both devices are associated with the same user as recited in each of independent Claims 1 and 17. Wistendahl thus fails to expressly or inherently teach recording a bookmark that specifies a position in the media content such that resumed delivery of media content at the second device begins seamlessly at a position specified by the recorded bookmark, as also recited in each of independent Claims 1 and 17.

Applicants respectfully assert, therefore, that Wistendahl fails to expressly or inherently teach each feature recited in independent Claims 1 and 17. Accordingly, the prior art fails to anticipate either of the claims. Applicants also respectfully assert that whereas the remaining claims each depend from one of Claims 1 or 17 while reciting additional features, the prior art likewise fails to anticipate the remaining claims.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this response, or if the

U.S. Patent Appln. No. 09/676,545
Amendment Dated Aug. 12, 2005
Reply to Office Action of May 12, 2005
Docket No. 6169-140

IBM Docket No. BOC9-1999-0082

Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: _August 12, 2005_   _Richard A. H___

Gregory A. Nelson, Registration No. 30,577
Richard A. Hinson, Registration No. 47,652
AKERMAN SENTERFITT
Customer No. 40987
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000

{WP251816;1}   14